

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

In re:

RICONDA MAINTENANCE, INC.,

Debtor(s).

Chapter 7

Case No. 21-42842

NOTICE OF APPEARANCE AND REQUEST FOR SERVICE

PLEASE TAKE NOTICE that Edward C. Wipper and Elliot M. Smith of the law firm of Benesch, Friedlander, Coplan & Aronoff LLP (“Benesch”) hereby enter their appearance (the “Notice of Appearance”) in the above-captioned case as counsel for Incinia Contracting, Inc. (“Incinia”) pursuant to sections 342 and 1109(b) of Title 11 of the United States Code, 11 U.S.C. §§101-1532 (as amended, the “Bankruptcy Code”), and Rules 2002, 3017, 9007 and 9010(b) of the Federal Rules of Bankruptcy Procedure (as amended, the “Bankruptcy Rules”).

Counsel requests that copies of any and all notices and papers filed or entered in this case be given to and served upon the following:

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PLEASE TAKE FURTHER NOTICE that this constitutes not only a request for service of the notices and papers referred to in the Bankruptcy Rules specified above, but also includes, without limitation, any notice, application, complaint, demand, motion, petition, pleading, request, order, reply, answer, schedule of assets and liabilities, statement of financial affairs, plan, or disclosure statement, whether formal or informal, written or oral, and whether transmitted or conveyed by mail, delivery, telephone, facsimile, email, or otherwise filed or made with regard to the above-captioned case and all proceedings therein.

PLEASE TAKE FURTHER NOTICE that this notice of appearance and any subsequent appearance, pleading, claim, or suit is not intended nor shall be deemed to waive the rights of Incinia: (1) to have an Article III judge adjudicate in the first instance any case, proceeding, matter, or controversy as to which a bankruptcy judge may not enter a final order or judgment consistent with Article III of the United States Constitution; (2) to have final orders in a non-core case, proceeding, matter, or controversy entered only after an opportunity to object to proposed findings of fact and conclusions of law and a de novo review by a district court judge; (3) to trial by jury in any case, proceeding, matter, or controversy so triable; (4) to have the reference withdrawn by the United States District Court in any case, proceeding, matter, or controversy subject to mandatory or discretionary withdrawal; or (5) any other rights, claims, actions, defenses, setoffs, or recoupments to which Incinia is or may be entitled under agreements, in law, or in equity, all of which rights, claims, actions, defenses, setoffs, and recoupments expressly are hereby reserved.

[Signature page to follow]

Dated: February 4, 2022

**BENESCH, FRIEDLANDER, COPLAN
& ARONOFF LLP**

/s/ Elliot M. Smith

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Counsel for Incinia Contracting, Inc.

CERTIFICATE OF SERVICE

I hereby certify and affirm that on February 4, 2022, a true and correct copy of the foregoing *Notice of Appearance* was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

Dated: February 4, 2022

Respectfully Submitted,

**BENESCH, FRIEDLANDER, COPLAN
& ARONOFF LLP**

/s/ Elliot M. Smith

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